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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,436	07/16/2003	Mark R. Nelson	062891.1144	1727
5073 7590 04/10/2008 BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				
EXAMINER SOE, ANTHONY M				
ART UNIT 2619		PAPER NUMBER		
NOTIFICATION DATE 04/10/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com  
glenda.orrantia@bakerbotts.com

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/621,436

**Applicant(s)**

NELSON ET AL.

**Examiner**

ANTHONY SOL

**Art Unit**

2619

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Wing F Chan/  
Supervisory Patent Examiner, Art Unit 2619  
3/31/08

Continuation of 11, does NOT place the application in condition for allowance because: The Applicant's arguments have been fully considered but are not persuasive. The Applicant argues that Allan never discloses that network device 14 when implemented as a telephone can serve Web pages or otherwise provide content for presentation in a graphical user interface on a client. The Applicant is reminded that the Final Rejection mailed 2/7/2008 in regards to independent claims 1, 9, and 15 is a 103 rejection that relies on Shachar for providing the GUI presentation. The Applicant further argues that it is not obvious that Allan's telephone can act as a web server. The Examiner respectfully disagrees. First, the independent claims do not recite a web server, but rather a server that transmits content in a GUI format. As discussed above, the rejection relies on Shachar for the GUI presentation. The Applicant still further argues that there is no teaching in either reference or in combination for a telephone to "receive a request from the client via the network interface to execute a telephone-related option selected by the user of the client in the graphical user interface" and "execute the requested telephone-related option." The Examiner respectfully disagrees. In the Background of the Invention section of Allan, he clearly points out that the major objective of his invention is to "have a home network VISIBLE to the rest of Internet...each device on the network could SEND and RECEIVE information using the Internet" (emphasis added)(see Allan, col. 1, lines 12-29). The word visible suggests a GUI presentation. However, even if that was not the case, the rejection relies on Shachar for the GUI presentation as discussed above. Allan also discloses an objective to have "one device that may receive instructions from another, or multiple devices could be controlled REMOTELY by a third device. Further, it may be desirable to have this home network to have access to, and be ACCESSED BY, THE OUTSIDE WORLD" (see Allan, col. 1, lines 12-29)(emphasis added). Furthermore, Allan in a section describing an embodiment of his invention, particularly the server aspect of his device, states that a "[a] server application is something like telephony, e-mail or WEB PAGE HOSTING in which the combination of an IP address and a "well known port number" serves as the traditional point of contact to serve the outside world" (see Allan, col. 5, lines 30-49)(emphasis added). The Applicant still further argues that telephone 100 of Shachar does not act as a "local internal server" even though the Applicant cites Shachar's col. 13, lines 55-62, where it clearly states, "this operational aspect of the invention can serve as a local internal server for hypertext documents it supports." The Applicant uses col. 12, lines 25-31 to support his contention where it states, "Full hypertext "browsing" capability is provided with the present invention.". After reading the disclosure of Shachar it is readily apparent that telephone 100 has both browsing and server capabilities. The Applicant still further argues that Shachar's telephone 100 is not a server since a server provides content to a remotely located client, which the Applicant alleges that telephone 100 does not. The Examiner respectfully disagrees. Shachar discloses "that even remote hypertext documents may include a hyperlink to a local resource within an instance of HTOS" and "a part of the HTOS that is capable of playing tunes would play a tune that is locally available in memory (Shachar, col. 14, lines 55-61). The phrases "local resource" and "locally available in memory" suggest a server operation. The Applicant, in summary, points out that Shachar never contemplates serving the hypertext documents to a remote location to enable remote control of telephone 100 and Allan does not suggest any sort of remote operation of network device 14. The Examiner respectfully disagrees as it has been pointed out above that Shachar suggests some server capabilities of his telephone 100 and Allan discloses remote operations of his device from another device as discussed above.